

## **REMARKS**

### **Introductory Comments**

Claims 1-5, 9-10, 13-15, and 17-18 were previously pending in the application. Claims 2-3, 10, and 13 are canceled and claims 1, 4, and 9 are amended herein. Assuming the entry of this amendment, claims 1, 4-5, 9, 14-15, and 17-18 are now pending in the application. The Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and these remarks.

Support for the amendment of claim 1 can be found, e.g., in canceled claims 2-3, in Fig. 1, and in the description of Fig. 1 in the specification. The amendment of claim 9 is similarly supported.

The Applicant also notes that the last Office Action is **replete with typographical errors**, which makes it extremely difficult to parse. For example, the Office Action Summary states that claims 1-18 are pending in the application (which is clearly incorrect, see the first paragraph above); at the top of page 4, the Office Action refers to canceled claims 8 and 16 as being rejected under 35 U.S.C. § 103; and, on page 10, the Office Action states, in bold, that claims 4 and 14 are rejected under 35 U.S.C. § 103 over Hoke in view of Taylor and Sakurai, but the text that immediately follows the bold text talks about claims 17 and 18, and not about claims 4 and 14.

### **Title of the Invention**

In the response to the Office Action dated 08/25/2008, the title of the invention had been amended as shown on the title page of the present amendment. However, the EFS and file wrapper continue to show the old title. It is respectfully noted that a request to amend the title of the invention is being submitted for a **third time**. However, for an unknown reason, the Examiner fails to acknowledge these requests. Appropriate correction of the title or an explanation of why Applicant's requests are being ignored is respectfully requested.

### **Rejections under 35 U.S.C. § 103**

*On page 4 of the Office Action, the Examiner rejects claims 1-3, 5, 9-10, 13, and 15 under 35 U.S.C. § 103(a) as being unpatentable over Hoke in view of Taylor. On page 8, the Examiner rejects claims 4 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Hoke in view of Taylor and Holmes. On page 10, the Examiner [presumably] rejects claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Hoke in view of Taylor and Sakurai.*

#### **Claim 1**

As amended, claim 1 defines a multi-functional **mobile phone** having: (1) a mobile-phone-service capability; (2) a GPS capability; (3) a personal-locator-beacon (PLB) capability; and (4) a short-range-transceiver (such as Bluetooth) capability. Advantageously, all these capabilities can be employed in an emergency situation to facilitate a rescue operation, e.g., because the PLB capability provides a fall-back communication channel when a conventional 911 emergency channel is unavailable, and the transmitted PLB beacon can incorporate helpful circumstantial information generated by or through the GPS circuit and the short-range transceiver.

The Applicant submits that the cited references, independently or in combination, fail to explicitly disclose or fairly suggest such a system. It is therefore submitted that claim 1 is allowable over the cited references, as applied in the Office Action.

In addition, the Applicant would like to point out the following deficiencies in the current rejection of claim 1.

First, the Applicant submits that the combination of Hoke and Taylor is improper. More specifically, Hoke discloses a cellular phone capable of transmitting emergency information using a carrier wave at 406 MHz. Taylor discloses a monitoring system that has a monitoring device attached to an ankle of a restricted person (such as a convict or prisoner) with the purpose of positional tracking of that person. It is submitted that one of ordinary skill in the art would not be motivated to make modifications to the cellular phone of Hoke based on the monitoring system of Taylor, e.g., because Taylor has nothing to do with cellular telephony.

Second, even if the combination of Hoke and Taylor were proper, which the Applicant does not admit, then this combination would still be substantively insufficient to support the rejection of claim 1. More specifically, the monitoring system disclosed by Taylor has a monitoring device attached to a person for monitoring a bodily function of the person. The monitoring device has medical-monitoring means, e.g., for measuring blood pressure, heart-beat rate, respiration rate, bodily temperature, blood oxygen level, and/or blood alcohol level (see, e.g., Taylor's col. 12, lines 15-25). The monitoring device further has a short-range transmission antenna for transmitting the bodily function data to a secondary transportable device (see, e.g., Taylor's col. 10, lines 22-32).

It appears that, in the rejection of claim 1, the Examiner alleges that, if Hoke's cellular phone is modified to include the above-described capabilities of Taylor's monitoring device, then the resulting modified cellular phone can serve as an example of the mobile phone set defined by claim 1. However, the modified cellular phone would (1) receive medical information from the medical-monitoring means, which is an internal part of the modified cellular phone, and (2) then use the short-range transmission antenna to relay the medical information to a secondary transportable device. Clearly, this mode of operation is different from that defined by claim 1 for at least two reasons. The first reason is that the modified cellular phone generates medical information using an **internal** component (i.e., the medical-monitoring means) while claim 1 requires that emergency information be received, via a short-range transceiver, from a device **external** to the mobile phone set. The second reason is that the modified cellular phone uses a **short-range** transmission antenna to transmit the medical information to the secondary transportable device while claim 1 requires that the emergency information be transmitted via a **long-range** transmitter, such as a PLB transmitter operating at a frequency of approximately 406 MHz for relaying signals to a satellite.

#### Claims 4-5, 9, 14-15, and 17-18

The Applicant respectfully submits that claim 9 is non-obvious over the cited references for at least some of the reasons presented above in overcoming the rejection of claim 1. It is further submitted that claims 4-5, 14-15, and 17-18 are non-obvious over the art, as applied in the office action, at least by their dependence from one of non-obvious claims 1 and 9.

#### Conclusion

In view of the above amendments and remarks, the Applicant believes that all pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

#### Fees

During the pendency of this application, the Commissioner for Patents is hereby authorized to charge payment of any filing fees for presentation of extra claims under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17 or credit any overpayment to **Mendelsohn, Drucker, & Associates, P.C. Deposit Account No. 50-0782**.

The Commissioner for Patents is hereby authorized to treat any concurrent or future reply, requiring a petition for extension of time under 37 CFR § 1.136 for its timely submission, as incorporating a petition for extension of time for the appropriate length of time if not submitted with the reply.

Respectfully submitted,

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